M.R.O. 1—39,000—16-10-20.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 2076 Press ~~Misc.~~

190-191

Dated 20.12.1862 ~~19~~ .

9/9

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
20th December 1862.

No. 190. Read the following letter from Lieutenant-Colonel H. BRUCE, C. B., Inspector General of Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Lahore, the 20th November 1862, No. 94.

I have the honor to request you will do me the favor, to furnish me with a complete Schedule of the Madras Mofussil Police, showing the pay and the number of men in each rank and grade.

Should there be different grades in each rank, it will be necessary to specify the number and pay of each separately. In addition to the pay it will also be necessary to add all contingent and other expenses.

No. 191. ORDER THEREON, 20th December 1862, No. 2,076.

Ordered that Statements A, B, and C, recorded in Proceedings 27th October 1862, No. 1,762, be furnished to the Inspector General of Police in India.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

No. 1123

From Colonel H. M. DURAND, *C. B.*,
Secretary to the Government of India,

To the OFFICIATING CHIEF COMMISSIONER,
Central Provinces.

Fort William, the 28th *November* 1862.

Foreign Dept., Political.

Sir,

I am directed by the Governor General in Council to reply to your letter, No. 17, dated 24th July, submitting certain proposals for the adjustment of the long-pending dispute between the Chiefs of Jeypore and Bustar.

2. The facts of the case are briefly as follows:—

In A. D. 1777 the Rajah of Bustar was driven out of his dominions by his brother and took refuge in Jeypore. The Rajah of Jeypore assisted him to recover his territories, and in return for this assistance the Bustar Chief ceded to Jeypore the five Gurhs, named in the margin, which are collectively known as the Pergunnah of Kotepard, on rent-free tenure, but subject to the conditions, 1*st*, that the Rajah of Jeypore was to aid the Nagpore Government if the Bustar Chief gave just cause of offence, and was to aid the Bustar Chief against Nagpore if the Nagpore Government should unjustly oppress him; and 2*nd*, that the Rajah of Bustar should have the right to levy a certain tax, called *Mahdan, in the Pergunnah. The Bustar Rajah maintains that there were further conditions, 1*st*, that he had right to levy other taxes as well as Mahdan, and 2*nd*, that the Rajah of Jeypore was to send 300 men to his Court every Dussera festival; and in proof of this he produces a paper (alleged by Jeypore to be a forgery) in which the Jeypore Rajah agrees to these conditions. But Captain Glasfurd, whose Report is submitted with your letter under reply, considers these last conditions to be immaterial to the claim of the Rajah of Bustar.

Kotepard.
Chourchanda.
Paragurh.
Raigurh.
Umrkote.

* A Duty of Rupees 25 on every 100 bullockloads of merchandize exported or imported.

Five years after the above grant (1782) hostilities broke out between Bustar and Jeypore in consequence of the latter neglecting to fulfil the conditions specified. The Rajah of Bustar succeeded in re-taking the Gurhs

of Paragurh, Raigurh, and Umrkote, but died before he could recover the other two. At this time Bustar failed in making punctual payment of its tribute to Nagpore, and a Force was sent to occupy Bustar, which also took possession of the whole of the five Gurhs which had been granted to Jeypore, and managed them for some time as part of Bustar. The Rajah of Jeypore persuaded the Bustar Chief to pay his dues to the Mahrattas, on the understanding that he was to get back his territories. But the Mahratta Deputy, Ramchunder Waugh, granted the whole of the five Gurhs to Jeypore under a new Sunnud, on condition of the Rajah rendering Military aid to the Mahrattas against Bustar in the event of the Rajah of Bustar again failing in his duty. Since then Jeypore has held continuous possession of the whole Pergunnah, but not without remonstrance on the part of the Rajah of Bustar and also of the Nagpore Government. The Rajah of Jeypore is a feudatory of the British Government, and pays a tribute of Rupees 16,000 to Madras. The quarrels and mutual raids and reprisals between the two Chiefs have kept the country in a perpetual state of anarchy.

These disturbances attracted the notice of the Madras Government in 1806, and enquiry was instituted through the Resident at Nagpore. Nothing, however, came of it till 1812, when the Nagpore Government sent in a paper of claims against Jeypore. Some of them were money claims, which it is unnecessary here to notice, but one of them related to the Pergunnah of Kotepard, and was put forward by the Nagpore Government in the following terms :—

" Moreover, the five Pergunnahs, Kotpal, Umrkote, Raigurh, Paragurh, and Chichooragurh, are rented out by the Bustar man to Bullub Narain, the Zemindar of Jeypore. The Bustar man requests that the five Pergunnahs may be given up to him, and that the Rupees 20,000 of Government may be taken from him. At present the Jeypore man has these Pergunnahs in his possession, and he should pay for them Rupees 10,000. For the space of three years he has not paid this rent. In this affair let such instructions be given that the Jeypore man shall give up these five Pergunnahs to the Bustar man, and in future abstain from having anything to do with them, and pay the rent which is due for the last three years."

These claims were referred to the Madras Board of Revenue for consideration. The Board had some doubts whether the tenure by which the Jeypore Rajah held the disputed Pergunnah was on rent or as a grant from Nagpore. They decided, on 17th May 1813, that, if the tenure were on rent, it should be annulled, as it was contrary to the expressed policy of Government for its feudatories to rent lands from independent Governments. " If, on the other hand," they added, " the district in dispute shall have been held by the

Jeypore Zemindar under a grant from the Nagpore Government, there cannot be a question that, from the despotic constitution of that Government, custom fully justifies its resumption whenever the person holding it may have given cause of displeasure."

The Government of Madras, agreeing with the Board of Revenue, decided* that " it will rest entirely with the Nagpore Government to resume the lands situated within its territory held by the Zemindar of Jeypore* * * * * * * * * * * * * * * and that the Magistrate of Vizagapatam will be directed to prevent, as far as possible, any resistance being offered by the Zemindars of Jeypore if it should be considered expedient to resume the lands he holds in the Nagpore Territory."

* Letter to Resident, Nagpore, 1st June 1813.

Owing to political events at Nagpore, nothing further was done in the matter till 1819, when a new settlement was made of the Chutteesgurh District of Nagpore. This settlement was negotiated through the Resident. In the new agreement which was then taken by the Nagpore Government from the Rajah of Bustar the latter bound himself to pay an annual tribute of Rupees 5,000, but he was to receive a remission of Rupees 1,000 so long as the Pergunnah of Kotpal should remain separated from his territories. In reporting the matter to the Supreme Government the Resident, Mr. Jenkins,† briefly reviewed the history of the disputed Pergunnah, and pressed the relinquishment of the district by the Jeypore Chief. But after some correspondence with Madras, Government did not find itself in possession of sufficient information to enable it to pronounce a final decision. " It would be satisfactory also to the Governor General in Council," the Resident was told‡, " to learn distinctly your opinion as to the force and authority which should be held to attach to the proceedings of Ramchunder Waugh, protested against by the Bustar Rajah, and to be apprized of the year in which they took place, and the conditions on which the districts were re-assigned by him to the Rajah of Jeypore. As far as the Governor General in Council can at present form a judgment from the materials before him, that opinion is not favorable to the claims of Rajah Mypaul Deo,§ at least in regard to Kotepaul and Choorchonda. They were granted by his ancestors as a reward for services performed, but subject to certain conditions, nearly 40 years ago, and uninterrupted possession ever since that period would seem to convey a very tolerable title to the Rajah of Jeypore. Under such circumstances, it might reason-

† See paragraph 52 of his letter, dated 15th June 1821.

‡ 3rd July 1823.

§ The Bustar Rajah.

ably be urged that all the Chiefs of Bustar can claim is the due fulfilment of the conditions of the grant, and the interference of the British Government to settle this point might very expediently be exerted. With respect to Raigurh, Paragurh, and Umrkote, much will of course depend on the circumstances of their temporary resumption by Bustar, and the view which is to be taken of the proceedings of Ram Chunder Waugh in again restoring them to Jeypore and the powers with which he was vested by the Nagpore Government."

No reply was sent to this till 1829, when, in consequence of certain aggressions committed by Jeypore on Bustar, the attention of the Resident was again called to the subject. Mr. Wilder reported that, at the time of Ram Chunder Waugh's expedition into Bustar, that part of the country was under the orders of Nana Sahib, brother of the Rajah of Nagpore, and therefore no records of the matter existed in the palace. "Though the Bustar Rajah," he went on to say, "has frequently urged me to apply again for the recovery of these disputed districts, I have always hesitated to do so from a doubt in my own mind of the propriety of enforcing restitution after having been so long in possession of the Jeypore Zemindar. But as the Madras Government has fully recognized the right of this State (Nagpore) to resume these places (even if granted in Jagheer, of which there is no record), should the Jeypore Zemindar give cause of displeasure to its ruler, perhaps, on the principle that every Chief ought to be made responsible for the acts of his dependents, the present outrage committed by Permanund Patter may be considered a sufficient plea for demanding their delivery, which, at all events, it will if not immediately redressed."

The Madras Government were referred to, and from their Report it appeared that, owing to the deadly climate and inaccessible nature of the Jeypore country, it was impossible to exercise any control over the Rajah from the Madras side, and it was proposed to transfer our tributary relations with him entirely to Nagpore. The Resident reported in favor of this proposal on 19th February 1830, but no orders were passed on his Report, and here the action of Government appears to have rested till the case was taken up by Captain Glasfurd under instructions from Colonel Elliot when Commissioner of Nagpore.

3. For the reasons given in paragraphs 13 to end of his Report, Captain Glasfurd decides most strongly in favor of the Rajah of Bustar, and proposes to restore the districts to that Chief, and to direct the Jeypore Rajah to withdraw from them. You consider that the right of Bustar to the districts has been clearly established; nevertheless, in consideration of the long possession

of Jeypore, the distance of the country from supervision and the animosity which exists between the two States, you would propose the following measures which you have decided on recommending after personal communication with Captain Glasfurd:—

1*st*.—That the Rajah of Jeypore be permitted to retain possession of the tract on the condition that he shall in future acknowledge the Rajah of Bustar as his suzerain and feudal Chief in respect of that tract, and in accordance with the customs of the country conform to the requirements of this suzerainty.

2*nd*.—That, in lieu of the Military aid to be furnished according to the original patent, a money commutation of Rupees 7,000 be fixed to be paid through the Assistant Agent at Jeypore, who would remit the amount to the Deputy Commissioner of Sironcha for payment to the Rajah of Bustar.

3*rd*.—That the Jeypore Rajah entertain no Military establishments within the limits of the five Gurhs, and remove his Garrison of Sepoys from the Fort of Kotepard, and only keep up whatever establishments may be necessary for the collection of revenue; these latter being under the general control and authority of the Officer under whom Bustar is placed.

4. The Madras Government, on the other hand, in a letter, of which
No. 1584, dated 24th September 1862. a copy is enclosed for your information, give it as their opinion that it is neither necessary nor desirable to require from the Rajah of Jeypore any payment to the Rajah of Bustar in commutation of Military services, which services do not appear to have been rendered for a very long time.

5. The Governor General in Council has no doubt that the recommendation not to restore these districts to the possession of Bustar is a wise one. If, owing to the long possession of Jeypore, the Government found difficulty in seeing how the Jeypore Rajah's claim could be set aside in 1819, and the Resident at Nagpore found the same difficulty in 1829, the difficulty is enhanced, and the hardship of directing a restoration of the territory would be much greater after a further possession of 40 years. The Rajah has held possession of two of the Pergunnahs since 1777, and of the three others since they were restored to him by Ramchunder Waugh.

6. The Governor General in Council is further of opinion that there are some considerations which weaken the claim of the Rajah of Bustar to so large compensation as that which you propose. In the first place, although it is quite true that the grant of these districts to Jeypore was made conditional on the performance of certain service, the Bustar Rajah was never strong enough to enforce the performance of these conditions, and for all

practical purposes the districts remained in the possession of Jeypore like lands wrested from Bustar by force. The conditions remained practically in abeyance, at all events in dispute, for 70 years before the country became British Territory, and for more than 30 years before Government was ever called to interfere at all.

In the second place, considerations of public policy forbid the exaction of the feudal services which Jeypore, by the original Agreement, was to have rendered to Bustar in return for the lands ceded. By the Sunnud of 1777 Jeypore is bound to assist Bustar only in the event of the latter being unjustly oppressed by the Nagpore State. But the British Government, as successor of the Rajah of Nagpore, and the feudal superior of both Chiefs, cannot permit one of its tributaries to assist another of its tributaries in opposition to its own supreme authority.

In the third place, the decision of the Madras Government in 1813 was not given with reference to the merits of the case as between Jeypore and Bustar, but with reference to the power of Nagpore to resume lands over which its sovereignty was not disputed. The decision, moreover, was founded not so much on considerations of right and justice as of the despotic character of the Nagpore Government.

In the fourth place, with the imperfect information before him as to the resources of the districts in dispute, the Governor General in Council can form no opinion of the proportion which the payment you have proposed bears to the revenue of the Pergunnah. The revenues are stated by the Bustar people, who of course are interested in putting the figures as high as possible, at Rupees 20,000. Captain Glasfurd guesses them to be from Rupees 15,000* to Rupees 20,000. But the Assistant at Jeypore place them as low as Rupees 6,000. It must, however, be borne in mind that the Nagpore Government allowed to the Bustar Chief a remission of only Rupees 1,000 of his tribute in consideration of the loss of these districts, and that your proposal would give him Rupees 6,000 more than the Nagpore Government considered him entitled to.

* Of this the Kotepard Gurh is estimated to yield at least Rupees 10,000; and this is one of the two tracts of which Bustar never recovered possession, but which has remained with Jeypore since 1777.

7. On the other hand, the Jeypore Rajah has been put to great expense to maintain possession of these districts, of which he will be relieved if a settlement of the dispute be made under the authority of the British Government. The right of the Bustar Chief to collect Mahdan in the disputed districts is also admitted—a right which should cease with the permanent transfer of the districts to Jeypore. For these reasons, the Governor General in Council is of opinion that the Bustar Chief should receive something by way of indemnification. But the sum which you have suggested

appears large, and the Governor General in Council wishes you to re-consider the question with the view of determining whether some more moderate compensation would not satisfy the legitimate claims of Bustar.

8. The Governor General in Council, however, directs me to draw your attention to the fact that, ever since 1819, when the new settlement was made with Bustar, the Nagpore Government has lost a tribute of Rupees 1,000 by this dispute. This loss now falls on the British Government, and it seems to the Governor General in Council reasonable that, in any settlement of this dispute, provision should be made for the payment in future of the just claims of the British Government, either in the shape of an increase of the tribute paid by the Jeypore Chief to the Madras Government, or by the retention in the hands of the British Government of a portion of the compensation money to be paid by Jeypore. On this point your opinion is invited.

9. As regards the management of the disputed districts, the Governor General in Council is of opinion that they should be left to the management of the Jeypore Chief in the same manner as his other districts are managed under the Madras Government. The Madras Government are making arrangements for a sufficient Police Force being stationed in Jeypore Territory, and it is desireble that you should, on the side of the Central Provinces, make suitable arrangements for the maintenance of order.

I have the honor to be,

SIR,

Your most obedient Servant,

C. B. M. Glasfurd

Secy. to the Govt. of India.

/True Copy/

Under Secretary to the Govt. of India

EXD.—L. C. MULLINS.

Mrs. Dr. A. Rupple
Portsmouth
Ohio

Rudolph Rupple

Very near Burbank
Livonia Switch
Farm entirely
to Las Pe Burbank
of the year - in which
time details to grow
to Each Bank of
Each Bushel in
minute details

Pro. Decr.
Judicial 1862 Dept.

From

The Inspector Genl
of Police in India

Dt 20th Novr 1862
Rd 5th Decr "

No 2453

Requests to be
furnished with a Com-
plete Schedule of the
Madras Mofussil Police
showing the pay & num-
ber of men in each rank
& Grade

Refd to Mr Oder

Pro 20th Novr 1862 — 53
" 26th Novr 1862 Octr 1917

Lib 96 Jany 1863.

No 2076 dated 20th December 1862.
Ordered that Standing Order B, 8,
C, recorded in Proc: 27th Oct: 1862
No 1162, be furnished to the
Inspector Genl of Police in India.

The Inspector Genl
of Police in India
with No 1362 of 1862.

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